

Brent O. Hatch (5715)  
Mark F. James (5295)  
HATCH, JAMES & DODGE  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101  
Telephone: (801) 363-6363  
Facsimile: (801) 363-6666

Stuart H. Singer (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
401 East Las Olas Boulevard – Suite 1200  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 356-0011  
Facsimile: (954) 356-0022

*Attorneys for The SCO Group, Inc.*

Robert Silver (admitted pro hac vice)  
Edward Normand (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, New York 10504  
Telephone: (914) 749-8200  
Facsimile: (914) 749-8300

Stephen N. Zack (admitted pro hac vice)  
BOIES, SCHILLER & FLEXNER LLP  
Bank of America Tower – Suite 2800  
100 Southeast Second Street  
Miami, Florida 33131  
Telephone: (305) 539-8400  
Facsimile: (305) 539-1307

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**EX PARTE MOTION FOR LEAVE  
TO FILE SCO'S REPLY  
MEMORANDUM IN FURTHER  
SUPPORT OF SCO'S OBJECTIONS  
TO THE  
MAGISTRATE JUDGE'S ORDER  
DENYING SCO'S MOTION FOR  
RELIEF FOR IBM'S  
SPOILIATION  
OF EVIDENCE**

Case No. 2:03CV0294DAK

Honorable Dale A. Kimball  
Magistrate Judge Brooke C. Wells

Plaintiff/Counterclaim-Defendant The SCO Group (“SCO”) hereby moves the Court pursuant to District Court Rule 7-1(e) for an Order granting SCO leave to file its over length Sco's Reply Memorandum In Further Support Of SCO's Objections To The Magistrate Judge's Order Denying SCO's Motion For Relief For IBM's Spoliation Of Evidence (the “Reply Memorandum”) that consists of 20 pages, exclusive of face sheet, table of contents and authorities, appendixes and exhibits.

SCO's Motion is made upon the grounds that the Reply Memorandum of the indicated length is necessary given the complex nature of the issues raised.

SCO has endeavored to be as concise as possible, but respectfully submits that the excess length is necessary to fully and fairly address the issues being placed before the Court.

SCO respectfully requests that it be allowed to file its Reply Memorandum containing 20 pages, exclusive of face sheet, table of contents and authorities, appendixes and exhibits.

DATED this the 25<sup>th</sup> day of May, 2007.

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch

Mark F. James

BOIES, SCHILLER & FLEXNER LLP

Robert Silver

Stuart H. Singer

Stephen N. Zack

Edward Normand

By: /s/ Mark F. James  
*Counsel for The SCO Group, Inc.*

**CERTIFICATE OF SERVICE**

Plaintiff/Counterclaim-Defendant, The SCO Group, Inc., hereby certifies that a true and correct copy of the foregoing EX PARTE MOTION FOR LEAVE TO FILE SCO'S REPLY MEMORANDUM IN FURTHER SUPPORT OF SCO'S OBJECTIONS TO THE MAGISTRATE JUDGE'S ORDER DENYING SCO'S MOTION FOR RELIEF FOR IBM'S SPOLIATION OF EVIDENCE was served on Defendant/Counterclaim-Plaintiff, International Business Machines Corporation, on this 25<sup>th</sup> Day of May, 2007, via CM/ECF and electronic mail (by agreement of the parties) to the following:

David Marriott, Esq. ([dmarriott@cravath.com](mailto:dmarriott@cravath.com))  
Cravath, Swain & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019

Todd Shaughnessy, Esq. ([tshaughnessy@swlaw.com](mailto:tshaughnessy@swlaw.com))  
Snell & Wilmer LLP  
1200 Gateway Tower West  
15 West South Temple  
Salt Lake City, Utah 84101-1004

By:           /s/Mark F. James